

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN GARRETT SMITH,

Plaintiff,

v.

LEWIS, et al.,

Defendants.

NO: 2:20-CV-0143-TOR

ORDER DISMISSING ACTION

By Order filed April 29, 2020, the Court determined that Plaintiff was precluded from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g) and directed Plaintiff to either pay the filing fee by May 13, 2020 or suffer dismissal. ECF No. 4. Plaintiff, a prisoner at the Stafford Creek Corrections Center, is proceeding *pro se*; Defendants have not been served.

Rather than pay the filing fee, Plaintiff submitted a document titled, “Motion to Clarify Cause,” ECF No. 5, in which he attempts enlighten the Court regarding the severity and simplicity of this case. Plaintiff’s “Motion” presents no facts

1 disputing the existence of three or more “strikes” under 28 U.S.C. § 1915(g) or
2 showing that Plaintiff was under imminent danger of serious physical injury when
3 he filed this action on April 21, 2020. Consequently, Plaintiff may not proceed *in*
4 *forma pauperis*. *Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007).


5 The Court cautioned Plaintiff that if the filing fee was not paid by May 13,
6 2020, this matter would be dismissed without prejudice. Having failed to pay the
7 filing fee, **IT IS ORDERED** that this action is **DISMISSED without prejudice** for
8 failure to pay the filing fee as required by 28 U.S.C. § 1914.

9 Plaintiff’s Motion to Clarify, ECF No. 5, is denied as moot.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
11 enter judgment, forward a copy to Plaintiff and **close** the file. The Court certifies
12 any appeal of this dismissal would not be taken in good faith.

13 **DATED** May 14, 2020.



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THOMAS O. RICE
16 Chief United States District Judge

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